

1F2

PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE



September 23, 2008

Applicants: Junzo SUNAMOTO et al

For: COSMETIC PRODUCT CONTAINING
POLYSACCHARIDE-STEROL DERIVATIVE

Serial No.: 09/936 953 Group: 1617

Confirmation No.: 4435

Filed: September 17, 2001 Examiner: Chong

International Application No.: PCT/JP00/02044

International Filing Date: March 30, 2000

Atty. Docket No.: Yanagihara 62

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181**

Sir:

STATEMENT OF FACTS

On October 13, 2006, a Decision was rendered by the Board of Appeals confirming the Examiner's rejection of all of the pending claims as being unpatentable. On December 13, 2006, within the two month time period given to Applicants to refile the application, a Request for Continued Examination was filed. On March 23, 2007, a Supplemental Response was filed by the Applicants, enclosing a Declaration Under 37 CFR 1.132 for consideration by the Examiner. On March 6, 2008, a Status Request was mailed to the Patent Office in order to determine the status of the above-identified application. On September 12, 2008, a call was placed to the Examiner in charge of the present application inquiring of the status of the application. Applicants' representative was informed that the present application was erroneously abandoned and that

Applicants would have to file a Petition to Withdraw the Holding of Abandonment to get the present application revived. Enclosed herewith is the first page of the Board's Decision showing the mailing date of the Decision, the Express Mailing Certificate for the RCE application dated December 13, 2006, the First Class Mailing Certificate for the Supplemental Response dated March 23, 2007, the Status Request dated March 6, 2008 and the Examiner's Interview Summary dated September 12, 2008.

RELIEF REQUESTED

Applicants respectfully request withdrawal of the abandonment of the present application and the returning of it to the Examiner for further prosecution.

The Commissioner is hereby authorized to charge any additional fee which may be required by this paper, or to credit any overpayment, to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

IN DUPLICATE


Terryence F. Chapman

TFC/smd

FLYNN, THIEL, BOUTELL	David G. Boutell	Reg. No. 25 072
& TANIS, P.C.	Terryence F. Chapman	Reg. No. 32 549
2026 Rambling Road	Mark L. Maki	Reg. No. 36 589
Kalamazoo, MI 49008-1631	Liane L. Churney	Reg. No. 40 694
Phone: (269) 381-1156	John A. Waters	Reg. No. 24 802
Fax: (269) 381-5465	Brian R. Tumm	Reg. No. 36 328
	Donald J. Wallace	Reg. No. 43 977
	Dale H. Thiel	Reg. No. 24 323
	Sidney B. Williams, Jr.	Reg. No. 24 949
	Heon Jekal	Reg. No. L0379*
	*limited recognition number	

Encl: Copy of first page of the Board's Decision
showing the mailing date of the Decision
Copy of Express Mailing Certificate for the RCE
application dated December 13, 2006
Copy of First Class Mailing Certificate for the
Supplemental Response dated March 23, 2007

Copy of Status Request dated March 6, 2008
Copy of Examiner's Interview Summary
dated September 12, 2008
Postal Card

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 23, 2008.


Terryence F. Chapman

110.10/07



PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

September 23, 2008

Applicants: Junzo SUNAMOTO et al

For: COSMETIC PRODUCT CONTAINING
POLYSACCHARIDE-STEROL DERIVATIVE

Serial No.: 09/936 953 Group: 1617

Confirmation No.: 4435

Filed: September 17, 2001 Examiner: Chong

International Application No.: PCT/JP00/02044

International Filing Date: March 30, 2000

Atty. Docket No.: Yanagihara 62

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181**

Sir:

STATEMENT OF FACTS

On October 13, 2006, a Decision was rendered by the Board of Appeals confirming the Examiner's rejection of all of the pending claims as being unpatentable. On December 13, 2006, within the two month time period given to Applicants to refile the application, a Request for Continued Examination was filed. On March 23, 2007, a Supplemental Response was filed by the Applicants, enclosing a Declaration Under 37 CFR 1.132 for consideration by the Examiner. On March 6, 2008, a Status Request was mailed to the Patent Office in order to determine the status of the above-identified application. On September 12, 2008, a call was placed to the Examiner in charge of the present application inquiring of the status of the application. Applicants' representative was informed that the present application was erroneously abandoned and that

Applicants would have to file a Petition to Withdraw the Holding of Abandonment to get the present application revived. Enclosed herewith is the first page of the Board's Decision showing the mailing date of the Decision, the Express Mailing Certificate for the RCE application dated December 13, 2006, the First Class Mailing Certificate for the Supplemental Response dated March 23, 2007, the Status Request dated March 6, 2008 and the Examiner's Interview Summary dated September 12, 2008.

RELIEF REQUESTED

Applicants respectfully request withdrawal of the abandonment of the present application and the returning of it to the Examiner for further prosecution.

The Commissioner is hereby authorized to charge any additional fee which may be required by this paper, or to credit any overpayment, to Deposit Account No. 06-1382. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

IN DUPLICATE


Terryence F. Chapman

TFC/smd

FLYNN, THIEL, BOUTELL	David G. Boutell	Reg. No. 25 072
& TANIS, P.C.	Terryence F. Chapman	Reg. No. 32 549
2026 Rambling Road	Mark L. Maki	Reg. No. 36 589
Kalamazoo, MI 49008-1631	Liane L. Churney	Reg. No. 40 694
Phone: (269) 381-1156	John A. Waters	Reg. No. 24 802
Fax: (269) 381-5465	Brian R. Tumm	Reg. No. 36 328
	Donald J. Wallace	Reg. No. 43 977
	Dale H. Thiel	Reg. No. 24 323
	Sidney B. Williams, Jr.	Reg. No. 24 949
	Heon Jekal	Reg. No. L0379*
	*limited recognition number	

Encl: Copy of first page of the Board's Decision
showing the mailing date of the Decision
Copy of Express Mailing Certificate for the RCE
application dated December 13, 2006
Copy of First Class Mailing Certificate for the
Supplemental Response dated March 23, 2007

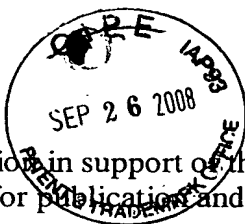
Copy of Status Request dated March 6, 2008
Copy of Examiner's Interview Summary
dated September 12, 2008
Postal Card

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 23, 2008.


Terryence F. Chapman

110.10/07



The opinion in support of the decision being entered today was *not* written for publication and is *not* binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

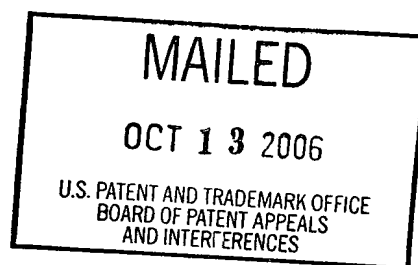
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

COPY

Ex parte JUNZO SUNAMOTO, KUNIO SHIMADA, AKIO HAYASHI
RYUZO HOSOTANI, YOSHIHIRO YANO and KAZUNARI AKIYOSHI

Appeal No. 2006-2554
Application No. 09/936,953

ON BRIEF



Before SCHEINER, MILLS and LINCK, *Administrative Patent Judges*.

LINCK, *Administrative Patent Judge*.

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the final rejection under 35 U.S.C. § 103(a) of claims 1, 4, 5 and 8-12, all of the pending claims in Application No. 09/936,953, filed Sept. 17, 2001 (hereafter the “953 application”).

Claim 1 is the only independent claim. It reads:

1. A cosmetic product comprising 99.999-50 wt. % of cosmetic components, a solvent containing at least one of a volatile oil and a volatile organic solvent and 0.001-50 wt. % of a pullulan-cholesterol derivative formed by substituting the hydroxyl groups of mono-saccharide units constituting the pullulan of the pullulan-cholesterol derivative, in



PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

"Express Mail" Mailing Label No.: EV 908 858 973 US
Date of Mailing: December 13, 2006
Applicants: Junzo SUNAMOTO et al
Title: COSMETIC PRODUCT CONTAINING
POLYSACCHARIDE-STEROL DERIVATIVE
Serial No.: 09/936 953 Group: 1617
Confirmation No.: 4435
Filed: September 17, 2001 Examiner: Chong
International Application No.: PCT/JP00/02044
International Filing Date : March 30, 2000
Atty. Docket No.: Yanagihara 62

COPY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAILED TO PATENT OFFICE
DATE DEC 13 2006

EXPRESS MAILING CERTIFICATE

Sir:

I hereby certify that the attached paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

FLYNN, THIEL, BOUTELL & TANIS, P.C.

By: Cance Ash

Date: December 13, 2006

Documents attached: RCE Application
Transmittal dated December 13, 2006
including enclosures listed thereon

Telephone: (269) 381-1156
191.05/05



PATENT APPLICATION

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicants : Junzo SUMIYAMA et al

Title: COSMETIC PRODUCT CONTAINING POLYSACCHARIDE-STEROL DERIVATIVE

Serial No. : 09/936 953

Group: 1617

Confirmation No.: 4435

Filed : September 17, 2001 Examiner: Chong

International Application No.: PCT/JP00/02044

International Filing Date : March 30, 2000

Atty. Docket No.: Yanagihara 62

COPY

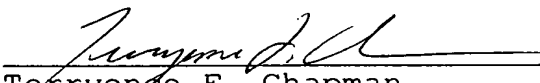
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAILED TO PATENT OFFICE
DATE MAR 23 2007

FIRST CLASS MAILING CERTIFICATE

Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service under 37 CFR 1.8 as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 23, 2007.


Terryence F. Chapman

TFC/smd

FLYNN, THIEL, BOUTELL
& TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1631
Phone: (269) 381-1156
Fax: (269) 381-5465

Dale H. Thiel
David G. Boutell
Terryence F. Chapman
Mark L. Maki
Liane L. Churney
Brian R. Tumm
Steven R. Thiel
Donald J. Wallace
Sidney B. Williams, Jr.

Reg. No. 24 323
Reg. No. 25 072
Reg. No. 32 549
Reg. No. 36 589
Reg. No. 40 694
Reg. No. 36 328
Reg. No. 53 685
Reg. No. 43 977
Reg. No. 24 949

Correspondence: Supplemental Response
dated March 23, 2007
including enclosures listed thereon

190.05/05

Applicants: Junzo SUNAMOTO et al
For: COSMETIC PRODUCT CONTAINING
POLYSACCHARIDE-STEROL DERIVATIVE

Serial No.: 09/936 953 Group: 1617
Confirmation No.: 4435
Filed: September 17, 2001 Examiner: Chong
International Application No.: PCT/JP00/02044
International Filing Date: March 30, 2000
Atty. Docket No.: Yanagihara 62

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAILED TO PATENT OFFICE
DATE MAR 06 2008

COPY

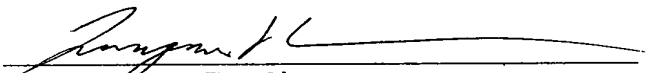
STATUS REQUEST

Sir:

Please advise the undersigned attorney of record of the status concerning the above-referenced application. A Supplemental Response was filed with the Patent Office on March 23, 2007 and to date, no further action from the Patent Office has been received.

Respectfully submitted,

TFC/smd


Terryence F. Chapman

FLYNN, THIEL, BOUTELL
& TANIS, P.C.
2026 Rambling Road
Kalamazoo, MI 49008-1631
Phone: (269) 381-1156
Fax: (269) 381-5465

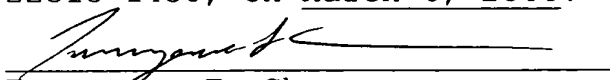
David G. Boutell
Terryence F. Chapman
Mark L. Maki
Liane L. Churney
John A. Waters
Brian R. Tumm
Donald J. Wallace
Stephen C. Holwerda
Dale H. Thiel
Sidney B. Williams, Jr.
Heon Jekal
*limited recognition number

Reg. No. 25 072
Reg. No. 32 549
Reg. No. 36 589
Reg. No. 40 694
Reg. No. 24 802
Reg. No. 36 328
Reg. No. 43 977
Reg. No. 57 391
Reg. No. 24 323
Reg. No. 24 949
Reg. No. L0379*

Encl: Postal Card

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 6, 2008.


Terryence F. Chapman



Interview Summary

Application No.

09/936,953

Applicant(s)

SUNAMOTO ET AL.

Examiner

YONG S. CHONG

Art Unit

1617

All participants (applicant, applicant's representative, PTO personnel):

(1) YONG S. CHONG.

(3) _____

(2) Mr. Terry Chapman.

(4) _____

COPY

Date of Interview: 12 September 2008.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: _____

Identification of prior art discussed: _____

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

/Yong S Chong/
Examiner, Art Unit 1617

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Attorney called Examiner to determine what the status of the case was. Apparently, Attorney had filed a RCE within 2 months of the Board Decision to affirm the Examiner. However, an Abandonment was filed prior to that, which prevented the RCE from being entered into record. Unfortunately since the case is already abandoned it is up to Applicant to revive the case since the Examiner cannot do anything at this point. It was suggested that the Applicant file a petition to withdraw the abandonment since Applicant has responded to the Board Decision within 2 months as verified by the record.